



U.S. Department of Justice

United States Attorney  
Southern District of New York

86 Chambers Street  
New York, New York 10007

July 15, 2019

By ECF

Honorable Valerie E. Caproni  
United States District Judge  
Thurgood Marshall United States Courthouse  
40 Foley Square  
New York, NY 10007

Re: *Natural Resources Defense Council, Inc., et al. v. U.S. Department of the Interior,*  
et al., 18 Civ. 4596 (VEC)

*National Audubon Society, et al. v. U.S. Department of the Interior, et al.,*  
18 Civ. 4601 (VEC)

*State of New York, et al. v. U.S. Department of the Interior, et al.,*  
18 Civ. 8084 (VEC)

Dear Judge Caproni:

This Office represents defendants U.S. Department of the Interior, U.S. Fish and Wildlife Service, and Daniel Jorjani, in his official capacity ("Defendants"), in the three related actions referenced above. We write on behalf of all parties in response to the Court's order of July 8, 2019, which directed the parties to file a letter or letters setting forth their positions "on whether these cases ought to be consolidated under Fed. R. Civ. P. 42(a)(2)." *See* Dkt. No. 51 (NRDC Action); Dkt. No. 44 (Audubon Action); Dkt. No. 64 (States' Action).

The parties in all three actions have conferred, and all parties consent to the consolidation of the three cases, with two caveats. First, the Audubon Plaintiffs consent to consolidation with the understanding that it would not prejudice their ability to litigate the NEPA and notice and comment claims asserted in their complaint but not in the NRDC Action or the States' Action. Second, plaintiffs in each of the three cases request that they be permitted to continue to file separate briefs if there is further motion practice in the consolidated proceeding. Defendants do not object to the plaintiffs' requests.

Respectfully submitted,

GEOFFREY S. BERMAN  
United States Attorney for the  
Southern District of New York

By: /s/ Andrew E. Krause

ANDREW E. KRAUSE  
Assistant United States Attorney  
Telephone: 212-637-2769  
E-mail: [andrew.krause@usdoj.gov](mailto:andrew.krause@usdoj.gov)

cc: All counsel of record via ECF